

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:11CR3099
)	
v.)	
)	MEMORANDUM AND ORDER
JOAQUIN D. CERVANTES,)	
)	
Defendant.)	

The defendant has moved to continue the trial currently set for December 5, 2011. (Filing No. 22). As explained in the defendant's motion, the defendant needs additional time because his current counsel was recently appointed, and the defendant and his counsel need additional time to investigate this case, review discovery, and consider whether a plea should be entered. The government does not oppose the requested continuance. The court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (filing no. 22), is granted.
- 2) The trial of this case is set to commence before the Honorable Richard G. Kopf at 9:00 a.m. on February 6, 2012, or as soon thereafter as the case may be called, for a duration of three (3) trial days. Jury selection will be held at commencement of trial.
- 3) Based upon the showing set forth in the defendant's motion and the representations of defendant's counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the time between today's date and February 6, 2012 shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7)(A).

November 28, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge